

**Executive Summary – Enforcement Matter – Case No. 48836**

**Motiva Enterprises LLC**

**RN100209451**

**Docket No. 2014-0837-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2014-1514-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 19, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$72,905

**Amount Deferred for Expedited Settlement:** \$14,581

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$29,162

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$29,162

Name of SEP: City of Port Arthur (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 30, 2014 and May 20, 2014

**Date(s) of NOE(s):** May 22, 2014 and June 13, 2014

**Executive Summary – Enforcement Matter – Case No. 48836**

**Motiva Enterprises LLC**

**RN100209451**

**Docket No. 2014-0837-AIR-E**

***Violation Information***

1. Failed to comply with annual emissions limits. Specifically, the Respondent exceeded the combined annual average nitrogen oxides ("NOx") emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") for Emission Point Numbers ("EPNs") SCR5-1, SCR5-2, SNHTU2-1, SNHTU2-2, SNHTU2-3, SHCU2-1, SHCU2-2, SCHU2-3, SHCU2-6, SHTU6-1, and SHTU6-2 by 0.005 lb/MMBtu in calendar year 2013. Also, the Respondent exceeded the annual average NOx emissions limit of 0.006 lb/MMBtu for EPN SVPS5-1 by 0.001 lb/MMBtu and EPN SVPS5-2 by 0.012 lb/MMBtu in calendar year 2013 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3387, Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 7].

2. Failed to conduct daily monitoring. Specifically, the Sour Water Stripper Charge Level Tanks were not checked daily for hydrocarbons at the 10 and 15 foot levels [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O3387, General Terms and Conditions ("GTC") and STC No. 18, and NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 29].

3. Failed to report all instances of deviations within 30 days after the end of the reporting period. Specifically, the semi-annual deviation report for the reporting period from January 1, 2013 through June 30, 2013 did not include a deviation for failing to conduct daily checks for hydrocarbons on the Sour Water Stripper Charge Level Tanks [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and 122.146(5)(D), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O3387, GTC].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On January 28, 2014, the Respondent included a deviation for failing to conduct daily checks for hydrocarbons on the Sour Water Stripper Charge Level Tanks in the deviation report for the July 1 through December 31, 2013 reporting period.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Implement measures and/or procedures to ensure compliance with the annual NOx emission limits; and

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**Motiva Enterprises LLC**  
**RN100209451**  
**Docket No. 2014-0837-AIR-E**

- ii. Submit an administratively complete application to alter NSR Permit Nos. 6056 and PSDTX1062M1 to remove the requirement to conduct daily hydrocarbon monitoring.
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit alteration application within 30 days after the date of such requests, or by any other deadline specified in writing.
- c. Within 45 days, submit written certification to demonstrate compliance a.
- d. Within 360 days, submit written certification to demonstrate that a permit alteration has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Greg Willms, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2014-0837-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Motiva Enterprises LLC</b>
<b>Penalty Amount:</b>	<b>Fifty-Eight Thousand Three Hundred Twenty-Four Dollars (\$58,324)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Nine Thousand One Hundred Sixty-Two Dollars (\$29,162)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>City of Port Arthur</b>
<b>Project Name:</b>	<b><i>Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County; Texas Air Quality Control Region 106, Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **City of Port Arthur** for the *Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). The Third-Party Administrator shall perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP Offset Amount will be used for 1) the cost of conducting energy efficiency audits; 2) construction or implementation of energy-efficiency upgrades; 3) purchase of equipment or appliances that are more energy-efficient; and 4) other direct costs authorized in advance by TCEQ. For Items 2, 3, and 4 above, the Third-Party Administrator shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this

contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **City of Port Arthur Energy Efficiency SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Port Arthur  
Attention: John Johnson  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Motiva Enterprises LLC  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

Motiva Enterprises LLC  
Agreed Order - Attachment A

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**  
**DATES**

**Assigned PCW**

27-May-2014  
28-Oct-2014

**Screening**

13-Jun-2014

**EPA Due**

16-Feb-2015

## RESPONDENT/FACILITY INFORMATION

**Respondent** Motiva Enterprises LLC

**Reg. Ent. Ref. No.** RN100209451

**Facility/Site Region** 10-Beaumont

**Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 48836

**Docket No.** 2014-0837-AIR-E

**Media Program(s)** Air

**Multi-Media**

**No. of Violations** 3

**Order Type** 1660

**Government/Non-Profit** No

**Enf. Coordinator** Amancio R. Gutierrez

**EC's Team** Enforcement Team 5

**Admin. Penalty \$ Limit Minimum**

\$0

**Maximum**

\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$34,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

100.0%

Enhancement

**Subtotals 2, 3, & 7**

\$34,000

**Notes**

Enhancement for three NOV's with same/similar violations, two NOV's with dissimilar violations, 10 orders with a denial of liability, and three orders without a denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

**Culpability**

No

0.0%

Enhancement

**Subtotal 4**

\$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5**

-\$62

**Economic Benefit**

0.0% Enhancement\*

**Subtotal 6**

\$0

Total EB Amounts \$5,723  
Estimated Cost of Compliance \$13,900

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7**

**Final Subtotal**

\$67,938

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

7.3%

**Adjustment**

\$4,967

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement to capture the avoided cost of compliance for Violation No. 2.

**Final Penalty Amount**

\$72,905

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty**

\$72,905

**DEFERRAL**

20.0%

Reduction

**Adjustment**

-\$14,581

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

\$58,324

Screening Date 13-Jun-2014

Docket No. 2014-0837-AIR-E

PCW

Respondent

Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 48836

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 284%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations, two NOVs with dissimilar violations, 10 orders with a denial of liability, and three orders without a denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 284%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 13-Jun-2014

Docket No. 2014-0837-AIR-E

PCW

Respondent Mctiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 48836

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 03387, Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 7

Violation Description

Failed to comply with annual emissions limits. Specifically, the Respondent exceeded the combined annual average nitrogen oxides ("NOx") emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") for Emission Point Numbers ("EPNs") SCRU5-1, SCRU5-2, SNHTU2-1, SNHTU2-2, SNHTU2-3, SHCU2-1, SHCU2-2, SCHU2-3, SHCU2-6, SHTU6-1, and SHTU6-2 by 0.005 lb/MMBtu in calendar year 2013. Also, the Respondent exceeded the annual average NOx emissions limit of 0.006 lb/MMBtu for EPN SVPS5-1 by 0.001 lb/MMBtu and EPN SVPS5-2 by 0.012 lb/MMBtu in calendar year 2013.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 3

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$11,250

Three annual events are recommended (one for each annual average emissions limit that was exceeded).

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$24,145

This violation Final Assessed Penalty (adjusted for limits) \$24,145

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID No.** 48836  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jan-2013	1-Jan-2015	2.00	\$500	n/a	\$500

Notes for DELAYED costs

Estimate cost to implement measures and/or procedures to ensure compliance with the annual average NOx emissions limits. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$500

Screening Date 13-Jun-2014

Docket No. 2014-0837-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 48836

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. 03387, General Terms and Conditions ("GTC") and STC No. 18, and NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 29

Violation Description

Failed to conduct daily monitoring. Specifically, the Sour Water Stripper Charge Level Tanks were not checked daily for hydrocarbons at the 10 and 15 foot levels.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 6

497 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended for the period of non-compliance from February 1, 2013 to screening on June 13, 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5,217

Violation Final Penalty Total \$48,290

This violation Final Assessed Penalty (adjusted for limits) \$48,290

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID No.** 48836  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	20-May-2014	20-May-2015	1.00	\$250	n/a	\$250
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit alteration to remove the permit requirement. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$3,650	1-Feb-2013	20-May-2014	1.30	\$237	\$4,730	\$4,967
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct daily hydrocarbon checks (\$10 per day x 365 days). The Date Required is the first date of non-compliance and the Final Date is the investigation date.

Approx. Cost of Compliance

\$8,650

TOTAL

\$5,217

Screening Date 13-Jun-2014

Docket No. 2014-0837-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 48836

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), and 122.146(5)(D), Tex. Health &amp; Safety Code § 382.085(b), and FOP No. 03387, GTC

Violation Description

Failed to report all instances of deviations within 30 days after the end of the reporting period. Specifically, the semi-annual deviation report for the reporting period from January 1, 2013 through June 30, 2013 did not include a deviation for failing to conduct daily checks for hydrocarbons on the Sour Water Stripper Charge Level Tanks.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

182 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended for the one incomplete deviation report.

## Good Faith Efforts to Comply

25.0%

Reduction \$62

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on January 28, 2014, before the June 13, 2014 NOE.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

# Economic Benefit Worksheet

Respondent Motiva Enterprises LLC  
Case ID No. 48836  
Reg. Ent. Reference No. RN100209451  
Media Air  
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jul-2013	28-Jan-2014	0.50	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to report the deviation. The Date Required is the date the deviation report was due and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$6





# Compliance History Report

**PUBLISHED** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600124051, Motiva Enterprises LLC

**Classification:** SATISFACTORY

**Rating:** 4.06

**Regulated Entity:** RN100209451, PORT ARTHUR REFINERY

**Classification:** SATISFACTORY

**Rating:** 12.46

**Complexity Points:** 53

**Repeat Violator:** NO

**CH Group:** 02 - Oil and Petroleum Refineries

**Location:** 2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY

**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0095D

**AIR OPERATING PERMITS** PERMIT 3387

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 30121

**WASTEWATER** PERMIT WQ0000414000

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1230079

**AIR OPERATING PERMITS** PERMIT 1386

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXD008097529

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50188

**WASTEWATER** EPA ID TX0005835

**AIR NEW SOURCE PERMITS** REGISTRATION 48503

**AIR NEW SOURCE PERMITS** REGISTRATION 48504

**AIR NEW SOURCE PERMITS** REGISTRATION 48506

**AIR NEW SOURCE PERMITS** REGISTRATION 49333

**AIR NEW SOURCE PERMITS** REGISTRATION 49477

**AIR NEW SOURCE PERMITS** REGISTRATION 49912

**AIR NEW SOURCE PERMITS** REGISTRATION 50158

**AIR NEW SOURCE PERMITS** PERMIT 3415

**AIR NEW SOURCE PERMITS** REGISTRATION 7160

**AIR NEW SOURCE PERMITS** REGISTRATION 8210

**AIR NEW SOURCE PERMITS** REGISTRATION 23943

**AIR NEW SOURCE PERMITS** REGISTRATION 24148

**AIR NEW SOURCE PERMITS** REGISTRATION 24081

**AIR NEW SOURCE PERMITS** REGISTRATION 29244

**AIR NEW SOURCE PERMITS** REGISTRATION 31590

**AIR NEW SOURCE PERMITS** REGISTRATION 34500

**AIR NEW SOURCE PERMITS** REGISTRATION 38931

**AIR NEW SOURCE PERMITS** REGISTRATION 40494

**AIR NEW SOURCE PERMITS** REGISTRATION 41443

**AIR NEW SOURCE PERMITS** REGISTRATION 44322

**AIR NEW SOURCE PERMITS** REGISTRATION 44691

**AIR NEW SOURCE PERMITS** REGISTRATION 45560

**AIR NEW SOURCE PERMITS** REGISTRATION 45938

**AIR NEW SOURCE PERMITS** REGISTRATION 45935

**AIR NEW SOURCE PERMITS** REGISTRATION 46015

**AIR NEW SOURCE PERMITS** REGISTRATION 46331

**AIR NEW SOURCE PERMITS** REGISTRATION 46326

**AIR NEW SOURCE PERMITS** REGISTRATION 46958

**AIR NEW SOURCE PERMITS** REGISTRATION 48153

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0095D

**AIR NEW SOURCE PERMITS** REGISTRATION 11762

**AIR NEW SOURCE PERMITS** REGISTRATION 11895

**AIR NEW SOURCE PERMITS** REGISTRATION 12117

**AIR NEW SOURCE PERMITS** REGISTRATION 13313

**AIR NEW SOURCE PERMITS** REGISTRATION 13534

**AIR NEW SOURCE PERMITS** REGISTRATION 48505

**AIR NEW SOURCE PERMITS** REGISTRATION 49332

**AIR NEW SOURCE PERMITS** REGISTRATION 49480

**AIR NEW SOURCE PERMITS** REGISTRATION 49478

**AIR NEW SOURCE PERMITS** REGISTRATION 50157

**AIR NEW SOURCE PERMITS** REGISTRATION 50299

**AIR NEW SOURCE PERMITS** PERMIT 6056

**AIR NEW SOURCE PERMITS** REGISTRATION 7304

**AIR NEW SOURCE PERMITS** PERMIT 8404

**AIR NEW SOURCE PERMITS** REGISTRATION 23690

**AIR NEW SOURCE PERMITS** REGISTRATION 24417

**AIR NEW SOURCE PERMITS** REGISTRATION 24307

**AIR NEW SOURCE PERMITS** REGISTRATION 32236

**AIR NEW SOURCE PERMITS** REGISTRATION 34264

**AIR NEW SOURCE PERMITS** REGISTRATION 37624

**AIR NEW SOURCE PERMITS** REGISTRATION 39659

**AIR NEW SOURCE PERMITS** REGISTRATION 40950

**AIR NEW SOURCE PERMITS** REGISTRATION 41820

**AIR NEW SOURCE PERMITS** REGISTRATION 44565

**AIR NEW SOURCE PERMITS** REGISTRATION 45561

**AIR NEW SOURCE PERMITS** REGISTRATION 45545

**AIR NEW SOURCE PERMITS** REGISTRATION 45937

**AIR NEW SOURCE PERMITS** REGISTRATION 45934

**AIR NEW SOURCE PERMITS** REGISTRATION 46079

**AIR NEW SOURCE PERMITS** REGISTRATION 46330

**AIR NEW SOURCE PERMITS** REGISTRATION 46589

**AIR NEW SOURCE PERMITS** REGISTRATION 47149

**AIR NEW SOURCE PERMITS** REGISTRATION 51922

**AIR NEW SOURCE PERMITS** REGISTRATION 11297

**AIR NEW SOURCE PERMITS** REGISTRATION 11777

**AIR NEW SOURCE PERMITS** REGISTRATION 12059

**AIR NEW SOURCE PERMITS** REGISTRATION 12482

**AIR NEW SOURCE PERMITS** REGISTRATION 13358

**AIR NEW SOURCE PERMITS** REGISTRATION 13693

AIR NEW SOURCE PERMITS REGISTRATION 14363  
AIR NEW SOURCE PERMITS REGISTRATION 14493  
AIR NEW SOURCE PERMITS REGISTRATION 15717  
AIR NEW SOURCE PERMITS REGISTRATION 16221  
AIR NEW SOURCE PERMITS REGISTRATION 54322  
AIR NEW SOURCE PERMITS AFS NUM 4824500020  
AIR NEW SOURCE PERMITS REGISTRATION 109665  
AIR NEW SOURCE PERMITS REGISTRATION 52468  
AIR NEW SOURCE PERMITS REGISTRATION 77681  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062  
AIR NEW SOURCE PERMITS REGISTRATION 26297  
AIR NEW SOURCE PERMITS REGISTRATION 87900  
AIR NEW SOURCE PERMITS REGISTRATION 89842  
AIR NEW SOURCE PERMITS REGISTRATION 93407  
AIR NEW SOURCE PERMITS REGISTRATION 96078  
AIR NEW SOURCE PERMITS REGISTRATION 96991  
AIR NEW SOURCE PERMITS REGISTRATION 121606  
AIR NEW SOURCE PERMITS REGISTRATION 102623  
AIR NEW SOURCE PERMITS REGISTRATION 109207  
AIR NEW SOURCE PERMITS REGISTRATION 109655  
AIR NEW SOURCE PERMITS REGISTRATION 109691  
AIR NEW SOURCE PERMITS REGISTRATION 105523  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1404  
AIR NEW SOURCE PERMITS REGISTRATION 105518  
AIR NEW SOURCE PERMITS REGISTRATION 118612  
AIR NEW SOURCE PERMITS REGISTRATION 122330  
AIR NEW SOURCE PERMITS REGISTRATION 106439  
AIR NEW SOURCE PERMITS REGISTRATION 112950  
AIR NEW SOURCE PERMITS REGISTRATION 105515  
AIR NEW SOURCE PERMITS REGISTRATION 109653  
AIR NEW SOURCE PERMITS REGISTRATION 105522  
STORMWATER PERMIT TXRNEY448

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #  
(SWR) 30121  
POLLUTION PREVENTION PLANNING ID NUMBER P06462

AIR NEW SOURCE PERMITS REGISTRATION 14273  
AIR NEW SOURCE PERMITS REGISTRATION 15403  
AIR NEW SOURCE PERMITS REGISTRATION 16025  
AIR NEW SOURCE PERMITS PERMIT 17522  
AIR NEW SOURCE PERMITS REGISTRATION 75653  
AIR NEW SOURCE PERMITS PERMIT 56287  
AIR NEW SOURCE PERMITS REGISTRATION 52429  
AIR NEW SOURCE PERMITS REGISTRATION 75103  
AIR NEW SOURCE PERMITS REGISTRATION 77922  
AIR NEW SOURCE PERMITS PERMIT 78358  
AIR NEW SOURCE PERMITS REGISTRATION 79866L  
AIR NEW SOURCE PERMITS REGISTRATION 86268  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1  
AIR NEW SOURCE PERMITS REGISTRATION 95508  
AIR NEW SOURCE PERMITS REGISTRATION 100512  
AIR NEW SOURCE PERMITS REGISTRATION 101131  
AIR NEW SOURCE PERMITS REGISTRATION 101826  
AIR NEW SOURCE PERMITS REGISTRATION 103077  
AIR NEW SOURCE PERMITS REGISTRATION 105516  
AIR NEW SOURCE PERMITS REGISTRATION 112351  
AIR NEW SOURCE PERMITS REGISTRATION 113586  
AIR NEW SOURCE PERMITS REGISTRATION 111502  
AIR NEW SOURCE PERMITS REGISTRATION 105517  
AIR NEW SOURCE PERMITS REGISTRATION 105519  
AIR NEW SOURCE PERMITS REGISTRATION 107320  
AIR NEW SOURCE PERMITS REGISTRATION 121860  
AIR NEW SOURCE PERMITS REGISTRATION 112608  
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M2  
AIR NEW SOURCE PERMITS REGISTRATION 112366  
AIR NEW SOURCE PERMITS REGISTRATION 105504  
AIR NEW SOURCE PERMITS REGISTRATION 122343  
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D  
POLLUTION PREVENTION PLANNING ID NUMBER P00651

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013  
**Date Compliance History Report Prepared:** August 22, 2014  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** August 22, 2009 to August 22, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 06/18/2010 ADMINORDER 2009-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from August 22, 2009, through August 22, 2014.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly drain inspections.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits for HTU4 Charge Heater Number 2.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404, Special Condition 7B PERMIT  
O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP  
Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCU1 and 2).  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT  
8404/PSD-TX-1062, Special Condition 71 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 71 PERMIT  
8404/PSD-TX-1062, Special Condition 73 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to perform monthly monitoring of a leaking valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 56287, General Condition 8 PERMIT  
56287, Special Condition 3 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) concentration and emission limits for Combustion Turbine Generator (Gas Turbine) 34.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01368, Special Condition 18 OP  
O-01386, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certifications (ACCs).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.142(1)(A)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
O-01386, Special Condition 1A OP

Description: Failure to equip a drain (identified with Component Identification Tag 010) with a plug.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP  
Special Condition 16A PERMIT

Description: Failure to maintain the Carbon Monoxide (CO) emission rate at Boiler 29 below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT  
O-01386, General Terms and Conditions OP  
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable annual emission limits at Boiler 29, Boiler 32, and Boiler 33.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)

4F TWC Chapter 63, SubChapter A 63.157

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to conduct the performance testing of the Continuous Catalytic Regenerator (CCR) operations at CRU4, specifically the CRU4 Caustic HCl Scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(C)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 2F OP

Description: Failure to properly report a June 2-3, 2008, emissions event.

2

Effective Date: 10/25/2010

ADMINORDER 2010-0381-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT

8404/PSD-TX-1062, Special Condition 1 PERMIT

O-01386, General Terms and Conditions OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) emission limit for the Lube Hydrogen Cracking Unit (LHCU) Prefractionator Heater.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 1A OP

Description: Failure to submit the Boiler 35 Continuous Emission Monitoring Systems (CEMS) Relative Accuracy Test Audit (RATA) within 60 days.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

Special Terms and Conditions No. 18 OP

Description: Failure to report the occurrence of deviations in deviation reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 01386, General Terms and Conditions OP

01386, Special Condition 16 OP

8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii) MOD (2)(D)

3 Effective Date: 05/08/2011 ADMINORDER 2010-1514-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
30 TAC Chapter 106, SubChapter A 106.6(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16 OP

Description: Failure to maintain the VOC emission rate below the allowable emission limit at the West API Separator TO, EPN: APISEP FE, as represented in the PI-7 CERT. A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Condition OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the NOx and CO emission rates below the allowable emission limit at the VPS4 Combined Heater Stack (EPN: SVPS4-7). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater Stack (EPN: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emission rate below the allowable emission limit at the VPS2 Combined Heater Stack (EPN: SVPS2-1). A8(c)(2)(A)(ii) MOD(2)(D)

4 Effective Date: 01/27/2012 ADMINORDER 2011-0688-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5 Effective Date: 08/02/2012 ADMINORDER 2011-2212-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 2F OP

Description: Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the emissions event was discovered on June 28, 2011 at 5:22 a.m., but the initial notification was not submitted until June 29, 2011 at 9:03 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Specifically, 1,938.16 pounds of unauthorized sulfur dioxide emissions were released during an unavoidable emissions event (Incident No. 156286) that began on June 28, 2011 and lasted five hours and 47 minutes. The release occurred when the Sulfur Recovery Unit 4 diverter valve opened to the Tail Gas Treating Unit 2 Incinerator due to a failure in a field electrical termination assembly. Since the emissions event was reported late, the Respondent is

6 Effective Date: 03/21/2013 ADMINORDER 2012-1591-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)  
5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the executive director prior to making a significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)  
30 TAC Chapter 290, SubChapter D 290.45(f)(4)  
30 TAC Chapter 290, SubChapter D 290.45(f)(5)

Description: Failure to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute per connection, and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or is at least 1,000 gpm and able to meet peak hourly demands, whichever is less.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug abandoned wells or submit test results proving that the wells are in a nondeteriorated condition.

7 Effective Date: 06/03/2013 ADMINORDER 2011-1461-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 31B PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the VOC emissions rate below the allowable emission limit at the DCU1 Cooling Tower (EPN: FKDCU1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate



Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 40 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the H2SO4 and VOC emission rate below the allowable emission limit by not routing emissions from the spent acid tanks (EPNs: TAL35142 and TAL35143) to the facility's vapor recovery system. A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.130(b)  
5C THSC Chapter 382 382.054  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 11 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to obtain a FOP to operate Tank No. 2094. EIC A2(c) MOD(2)(B)

8 Effective Date: 09/30/2013 ADMINORDER 2012-2014-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4(1)

Rqmt Prov: Permit Conditions No. 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of industrial waste.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Lim. & Mon. Reqs. No. 1 PERMIT

Description: Failed to comply with the permitted effluent limitations.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Reqs. No. 1 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, extended growth of grass and wooded vegetation was noted in and around impoundment Cell Nos. 2 and 3 (Outfall No. 021).

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Reqs. No. 1 PERMIT

Description: Failure by Motiva Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a large build-up of slime was noted on the inner walls of Clarifier D. In addition, the effluent weir ring was not properly leveled and was clogged in places by dead algae.

9 Effective Date: 09/30/2013 ADMINORDER 2012-1628-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 3387, General Terms and Conditions OP  
3387, Special Condition 18 OP  
6056/PSD-TX-1062M1, Special Condition 1 PERMIT  
6056/PSD-TX-1062M1, Special Condition 5 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 3387, General Terms and Conditions OP  
3387, Special Condition 18 OP  
6056/PSD-TX-1062M1, Special Condition 1 PERMIT  
6056/PSD-TX-1062M1, Special Condition 5 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

10 Effective Date: 11/01/2013 ADMINORDER 2013-0304-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062M1 Special Condition 1 PERMIT  
O-03387 Special Condition 18 OP

Description: Failed to comply with the permitted NOx emissions rate of 5.22 lbs/hr for EPNs STGTU6-1 and STGTU7-1. Specifically, during stack testing conducted on July 24 through July 27, 2012, it was determined that the NOx emissions rate from EPN STGTU6-1 was 7.095 lbs/hr, resulting in the release of approximately 495 lbs of unauthorized NOx emissions. In addition, the NOx emissions rate from EPN STGTU7-1 was determined to be 5.364 lbs/hr, resulting in the release of approximately 680.83 lbs of unauthorized

11 Effective Date: 11/11/2013 ADMINORDER 2013-0551-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 16A OP  
SC 1A OP

Description: Failure to comply with the 2011 annual emissions rates for five storage tanks.

12 Effective Date: 12/19/2013 ADMINORDER 2012-0735-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT  
6056/PSD-TX-1062-M1, Special Condition 5 PERMIT  
8404/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 5 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP  
FOP 3387, General Terms and Conditions OP  
FOP 3387, Special Condition 18 OP

Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP  
FOP 1386, Special Condition 18 OP  
FOP 3387, General Terms and Conditions OP

Description: Failed to comply with the maximum allowable SO<sub>2</sub> hourly emissions rates.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failed to comply with the maximum allowable NO<sub>x</sub> hourly emissions rate.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062, Special Condition 1 PERMIT  
8404/PSD-TX-1062, Special Condition 1 PERMIT  
FOP 1386, General Terms and Conditions OP  
FOP 1386, Special Condition 16A OP

Description: Failed to comply with the maximum allowable annual NO<sub>x</sub> and VOC emissions rates based on a rolling 12-month period.

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP  
 Special Condition 2F OP

Description: Failure to submit an initial notification for an emissions event within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 1 PERMIT  
 SPECIAL CONDITION 16 OP

Description: Failure to prevent unatuhorized emissions for Incident 188699.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 26, 2009	(763405)
Item 2	September 15, 2009	(804649)
Item 3	September 22, 2009	(763792)
Item 4	October 05, 2009	(765337)
Item 5	October 14, 2009	(804650)
Item 6	October 29, 2009	(776147)
Item 7	November 05, 2009	(776148)
Item 8	November 12, 2009	(776479)
Item 9	November 13, 2009	(804651)
Item 10	December 15, 2009	(804652)
Item 11	January 05, 2010	(786191)
Item 12	January 06, 2010	(784719)
Item 13	January 07, 2010	(786188)
Item 14	January 13, 2010	(804653)
Item 15	February 08, 2010	(790438)
Item 16	February 12, 2010	(776149)
Item 17	February 18, 2010	(785707)
Item 18	February 24, 2010	(790004)
Item 19	March 01, 2010	(787175)
Item 20	March 16, 2010	(830881)
Item 21	March 23, 2010	(791693)
Item 22	April 13, 2010	(830882)
Item 23	May 10, 2010	(830883)
Item 24	May 26, 2010	(798314)
Item 25	June 03, 2010	(803496)
Item 26	June 15, 2010	(846268)
Item 27	June 24, 2010	(826000)
Item 28	July 05, 2010	(829489)
Item 29	July 15, 2010	(860862)
Item 30	August 19, 2010	(866829)
Item 31	August 31, 2010	(848673)
Item 32	September 16, 2010	(873900)
Item 33	October 15, 2010	(881501)
Item 34	November 15, 2010	(865974)
Item 35	November 17, 2010	(888030)
Item 36	December 20, 2010	(896239)

Item 37	December 21, 2010	(884947)
Item 38	January 03, 2011	(884857)
Item 39	January 19, 2011	(891548)
Item 40	January 20, 2011	(902305)
Item 41	January 21, 2011	(891647)
Item 42	February 01, 2011	(880655)
Item 43	February 14, 2011	(909084)
Item 44	February 15, 2011	(894736)
Item 45	February 21, 2011	(899503)
Item 46	February 23, 2011	(899893)
Item 47	March 18, 2011	(916343)
Item 48	March 22, 2011	(901784)
Item 49	April 18, 2011	(924807)
Item 50	May 12, 2011	(906804)
Item 51	May 13, 2011	(938025)
Item 52	June 13, 2011	(945348)
Item 53	July 01, 2011	(936394)
Item 54	July 19, 2011	(952622)
Item 55	August 09, 2011	(959303)
Item 56	August 15, 2011	(948878)
Item 57	August 24, 2011	(948863)
Item 58	August 30, 2011	(951060)
Item 59	September 14, 2011	(965336)
Item 60	October 12, 2011	(951037)
Item 61	October 17, 2011	(971376)
Item 62	November 16, 2011	(977535)
Item 63	December 19, 2011	(984303)
Item 64	January 09, 2012	(976534)
Item 65	January 11, 2012	(976876)
Item 66	February 20, 2012	(997965)
Item 67	February 27, 2012	(989102)
Item 68	February 28, 2012	(989101)
Item 69	February 29, 2012	(989539)
Item 70	March 20, 2012	(1003489)
Item 71	April 21, 2012	(1010053)
Item 72	May 24, 2012	(1007755)
Item 73	May 29, 2012	(1007168)
Item 74	May 30, 2012	(1007271)
Item 75	June 08, 2012	(1009200)
Item 76	June 20, 2012	(1013221)
Item 77	June 23, 2012	(1009928)
Item 78	July 10, 2012	(1015329)
Item 79	July 16, 2012	(1015617)
Item 80	July 17, 2012	(1015681)
Item 81	July 19, 2012	(1015036)
Item 82	August 07, 2012	(1021223)
Item 83	August 17, 2012	(1037939)
Item 84	August 21, 2012	(1024044)
Item 85	August 28, 2012	(1027085)
Item 86	August 29, 2012	(1029494)
Item 87	September 17, 2012	(1029492)
Item 88	September 18, 2012	(1031350)
Item 89	September 26, 2012	(1034545)
Item 90	September 28, 2012	(1031002)
Item 91	October 01, 2012	(1024020)
Item 92	October 09, 2012	(1036486)
Item 93	October 10, 2012	(1036175)
Item 94	October 13, 2012	(1027759)
Item 95	October 15, 2012	(1029690)
Item 96	October 19, 2012	(1046671)

Item 97	October 26, 2012	(1030074)
Item 98	November 15, 2012	(1043432)
Item 99	November 19, 2012	(1060871)
Item 100	November 20, 2012	(1042530)
Item 101	December 19, 2012	(1060872)
Item 102	December 27, 2012	(1046511)
Item 103	January 21, 2013	(1078962)
Item 104	January 24, 2013	(1053845)
Item 105	February 05, 2013	(1051301)
Item 106	February 17, 2013	(1078961)
Item 107	February 20, 2013	(1051441)
Item 108	February 21, 2013	(1056295)
Item 109	March 20, 2013	(1059332)
Item 110	March 25, 2013	(1073967)
Item 111	April 04, 2013	(1077185)
Item 112	April 17, 2013	(1095699)
Item 113	May 16, 2013	(1087950)
Item 114	May 20, 2013	(1106624)
Item 115	June 17, 2013	(1110300)
Item 116	July 01, 2013	(1100091)
Item 117	July 12, 2013	(1117184)
Item 118	August 13, 2013	(1103447)
Item 119	August 19, 2013	(1124940)
Item 120	August 23, 2013	(1106435)
Item 121	August 29, 2013	(1113788)
Item 122	September 17, 2013	(1129540)
Item 123	October 03, 2013	(1122073)
Item 124	October 16, 2013	(1135270)
Item 125	October 21, 2013	(1124319)
Item 126	November 14, 2013	(1124564)
Item 127	November 18, 2013	(1140669)
Item 128	November 19, 2013	(1133062)
Item 129	December 19, 2013	(1147128)
Item 130	December 30, 2013	(1139488)
Item 131	January 06, 2014	(1139684)
Item 132	January 10, 2014	(1143535)
Item 133	January 16, 2014	(1144280)
Item 134	January 17, 2014	(1143636)
Item 135	February 07, 2014	(1145955)
Item 136	February 13, 2014	(1150182)
Item 137	February 17, 2014	(1160532)
Item 138	March 04, 2014	(1152038)
Item 139	March 18, 2014	(1167177)
Item 140	April 15, 2014	(1174310)
Item 141	May 15, 2014	(1166327)
Item 142	May 19, 2014	(1180498)
Item 143	May 21, 2014	(1166746)
Item 144	May 27, 2014	(1166430)
Item 145	May 28, 2014	(1171130)
Item 146	May 29, 2014	(1170500)
Item 147	June 04, 2014	(1172133)
Item 148	June 18, 2014	(1187396)
Item 149	July 08, 2014	(1177731)
Item 150	July 22, 2014	(1172869)
Item 151	July 23, 2014	(1172827)
Item 152	July 25, 2014	(1183475)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**Published** Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from August 22, 2009, through August 22, 2014.

Date: 02/07/2014 (1139185) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 11E PERMIT  
SC 16A OP  
SC 1A OP  
SC 61 PERMIT

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 12H PERMIT  
SC 16A OP  
SC 1A OP  
SC 61 PERMIT  
SC 63 PERMIT

Description: Failure to repair a leak within 15 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP

Description: Failure to submit a PI-7 notification as required by 30 TAC 106.262.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart UUU 63.1568(b)(1)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 16A OP  
SC 1A OP  
SC 22 PERMIT  
SC 63 PERMIT

Description: Failure to maintain a sulfur dioxide concentration at or below 250 parts per million by volume over a 12-hour period at Sulfur Recovery Unit 4.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SC 1 PERMIT  
SC 16A OP

Description: Failure to maintain sulfur dioxide emission limit at Tail Gas Treating Unit No. 2 Incinerator (EPN STGTU2-1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 16A PERMIT  
 SC 1A OP  
 SC 38B PERMIT  
 Description: Failure to repair or isolate a hydrogen sulfide leak on a pump seal.

2 Date: 02/12/2014 (1145614) CN600124051  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)  
 Description: Failure by the Motiva Port Arthur Refinery to have an accurate plant schematic in the monitoring plan.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)  
 Description: Failure by the Motiva Port Arthur Refinery to conduct backflow tests annually.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
 Description: Failure by the Motiva Port Arthur Refinery to maintain records of flushing.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure by the Motiva Port Arthur Refinery to have maintenance and housekeeping practices that ensure the good working condition and general appearances of the system's facilities and equipment.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)  
 Description: Failure by the Motiva Port Arthur Refinery to provide all storage tank vents with a screen.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
 Description: Failure by the Motiva Port Arthur Refinery to maintain a gap less than 1/16th of an inch on the overflow flap of all ground storage tanks.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
 Description: Failure by the Motiva Port Arthur Refinery to conduct accuracy checks on the manual disinfectant analyzer once every 90 days.

3 Date: 02/28/2014 (1150511) CN600124051  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 12B OP  
 SC 61 PERMIT  
 SC 9 PERMIT  
 Description: Failure to conduct monthly water seal inspections.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 1A OP  
 Description: Failure to report a deviation in a Semiannual Deviation Report and Annual Compliance Certification.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SC 1A OP  
 SC 30 PERMIT  
 Description: Failure to maintain coke moisture content.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)



30 TAC Chapter 122, SubChapter B 122.146(5)(D)

5C THSC Chapter 382 382.085(b)

GENERAL TERMS AND CONDITIONS OP

SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report and Annual Compliance Certification.

4

Date: 05/22/2014 (1165048)

CN600124051

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14E PERMIT  
Special Condition 18 OP  
Special Condition 1A OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3(A)(iv)(1) OP

Description: Failure to conduct quarterly visible emissions observations on 20 emission points.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report several deviations in a Semiannual Deviation Report.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 17 OP

Description: Failure to conduct monthly Method 9 visible emission observations at 10 sources.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 18 OP  
Special Condition 1A OP  
Special Condition 70 PERMIT

Description: Failure to maintain a 98% reduction of Hazardous Air Pollutants or 20 ppm limit on multiple occasions.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 18 OP

Description: Failure to maintain the nitrogen oxides emission limit at Power Station No. 4 Cogeneration Unit 4 (EPN SPS4-4) and Vacuum Pipe Stills No. 5, No. 1/2 and 3/4 Atmospheric Heater (EPN SVPS5-1).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 18 OP  
Special Condition 8 PERMIT

Description: Failure to maintain hourly nitrogen oxide and carbon monoxide emission limits at Lube Hydrocracking Unit No. 2 Fractionator Heater (EPN SHCU2-5), Coker Heater No. 1 (EPN SDCU2-1), Coker Heater No. 2 (EPN SDCU2-2), and Coker Heater No. 3 (EPN SDCU2-3).

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Condition 18 OP Special Condition 8 PERMIT		
Description:	Failure to maintain hourly nitrogen oxide emission limits at Vacuum Pipe Stills No. 5, No. 1 Vacuum Heater (EPN SVPS5-2) and Power Boiler 46 (EPN SPS4-6).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 OP Special Condition 8 PERMIT		
Description:	Failure to maintain hourly nitrogen oxide emission limits at Coker Heater No. 1 (EPN SDCU2-1), Coker Heater No. 2 (EPN SDCU2-2), Coker Heater No. 3 (EPN SDCU2-3), and Vacuum Pipe Stills No. 5, No. ½ Atmospheric Heater and No. ¾ Atmospheric Heater (all share EPN SVPS5-1), Vacuum Pipe Stills No. 5, No. 2 Vacuum Heater (EPN SVPS5-2), and Vacuum Pipe Stills No. 5, No. 1 and 2 Atmospheric Heater (EPN SVPS5-2).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 OP Special Condition 47 PERMIT		
Description:	Failure to maintain coke moisture content.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 PERMIT Special Condition 22 PERMIT		
Description:	Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit 5 Incinerator (EPN TGTU2-5) and Tail Gas Treating Unit 7 (STGTU7-1) at Sulfur Block Unit 2.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1) 5C THSC Chapter 382 382.085(b) Special Condition 14F PERMIT Special Condition 18 OP Special Condition 1A OP		
Description:	Failure to repair several leaking components in Naphtha Hydrotreating Unit 2 within 15 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 18 OP Special Condition 1A OP Special Condition 6 PERMIT Special Condition 68 PERMIT		
Description:	Failure to maintain 160 parts per million volumetric dry of hydrogen sulfide limit on a 3-hour basis at four units.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)  
 Special Condition 18 OP  
 Special Condition 8 PERMIT  
 Description: Failure to maintain hourly carbon monoxide emission limits at Coker Heater No. 1 (EPN SDCU2-1), Coker Heater No. 2 (EPN SDCU2-2), Coker Heater No. 3 (EPN SDCU2-3), Naphtha Hydrotreater Charge Heater (EPN SNHTU2-1), and Naphtha Hydrotreater Stripper Reboiler (EPN SNHTU2-3).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 18 OP  
 Description: Failure to maintain an hourly carbon monoxide emission rate at Coker Heater No. 3.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 OP  
 Special Condition 1A OP  
 Special Condition 70 PERMIT  
 Description: Failure to conduct weekly chlorine sampling.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 OP  
 Special Condition 25 PERMIT  
 Description: Failure to prevent a leak at the No. 4 Sulfur Loading Rack.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 OP  
 Special condition 47(C) OP  
 Special Condition 54(C) PERMIT  
 Description: Failure to conduct weekly ammonia sampling at several units.

5 Date: 05/23/2014 (1170054) CN600124051  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)(1)  
 30 TAC Chapter 335, SubChapter R 335.503(b)(2)  
 Description: Failure to classify waste streams at their point of generation and assign unique waste codes to each individual waste. EIC C2, Moderate  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 335, SubChapter A 335.1(138)(I)  
 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.2(f)  
 Description: Failure to document that the facility meets the terms of exclusion for Oil Bearing Hazardous Secondary Materials. EIC B3, Major  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter R 335.503(b)  
 Description: Failure to assign the appropriate form code to a waste stream. EIC C2, Minor

#### F. Environmental audits:

Notice of Intent Date: 06/26/2009 (761937)  
 Disclosure Date: 03/10/2010  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146  
 Description: Failure to monitor for the compliance of two special conditions of the facility NSR permit.  
 Notice of Intent Date: 02/24/2011 (905482)  
 No DOV Associated

Notice of Intent Date: 12/09/2011 (980864)

No DOV Associated

Notice of Intent Date: 10/11/2012 (1051293)

No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513)

No DOV Associated

Notice of Intent Date: 07/08/2013 (1102689)

Disclosure Date: 09/05/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145

30 TAC Chapter 122, SubChapter B 122.146

Description: Failed to report various Title V deviations discovered during the audit.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

Description: Failed to install water seal controls in six process water sewers located within the West API individual drain system.

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter W 106.512(1)

30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to obtain authorization for stationary engines located at the facility's South Weir. Specifically, temporary engines associated with the facility's South Weir remained onsite for more than 12 months. As such, emission sources no longer qualify as mobile sources.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(2)(i)

Rqmt Prov: PERMIT NSR Permit 8404, SC 39

Description: Failed to set the range span of the CO Continuous Emissions Monitoring System analyzer on the FCCU Regenerator to the required 1,000 ppm (it was instead set to 500 ppm).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)

Rqmt Prov: PERMIT NSR Permit 8404, Special Condition 35

Description: Failed to conduct the Relative Accuracy Test Audit (RATA) for the MPU 3/4 Fuel Gas System during the appropriate time range. Specifically, due to MPU3 shutdown for entire 1st quarter of 2013, a RATA could not be performed. When the unit was restarted in the 2nd quarter, a CGA was performed on the fuel gas analyzer instead of the required RATA.

Notice of Intent Date: 06/02/2014 (1190426)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MOTIVA ENTERPRISES LLC  
RN100209451**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0837-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE §382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about May 27, 2014 and June 18, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventy-Two Thousand Nine Hundred Five Dollars (\$72,905) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Nine Thousand One Hundred Sixty-Two Dollars (\$29,162) of the administrative penalty and Fourteen

Thousand Five Hundred Eighty-One Dollars (\$14,581) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Nine Thousand One Hundred Sixty-Two Dollars (\$29,162) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP")."

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on January 28, 2014, the Respondent included a deviation for failing to conduct daily checks for hydrocarbons on the Sour Water Stripper Charge Level Tanks in the deviation report for the July 1 through December 31, 2013 reporting period.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with annual emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 03387, Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 7, as documented during a record review conducted on April 30, 2014. Specifically, the Respondent exceeded the combined annual average nitrogen oxides ("NOx") emissions limit of 0.025 pound per million British thermal units ("lb/MMBtu") for Emission Point Numbers ("EPNs") SCR5-1, SCR5-2, SNHTU2-1, SNHTU2-2, SNHTU2-3, SHCU2-1, SHCU2-2, SCHU2-3, SHCU2-6, SHTU6-1, and SHTU6-2 by 0.005 lb/MMBtu in calendar year 2013. Also, the Respondent exceeded the annual average NOx emissions limit of 0.006 lb/MMBtu for EPN SVPS5-1 by 0.001 lb/MMBtu and EPN SVPS5-2 by 0.012 lb/MMBtu in calendar year 2013.

2. Failed to conduct daily monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O3387, General Terms and Conditions ("GTC") and STC No. 18, and NSR Permit Nos. 6056 and PSDTX1062M1, SC No. 29, as documented during an investigation conducted on May 20, 2014. Specifically, the Sour Water Stripper Charge Level Tanks were not checked daily for hydrocarbons at the 10 and 15 foot levels.
3. Failed to report all instances of deviations within 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and 122.146(5)(D), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O3387, GTC, as documented during an investigation conducted on May 20, 2014. Specifically, the semi-annual deviation report for the reporting period from January 1, 2013 through June 30, 2013 did not include a deviation for failing to conduct daily checks for hydrocarbons on the Sour Water Stripper Charge Level Tanks.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2014-0837-AIR-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Nine Thousand One Hundred Sixty-Two Dollars (\$29,162) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
  - i. Implement measures and/or procedures to ensure compliance with the annual NO<sub>x</sub> emission limits; and
  - ii. Submit an administratively complete application to alter NSR Permit Nos. 6056 and PSDTX1062M1 to remove the requirement to conduct daily hydrocarbon monitoring, in accordance with 30 TEX. ADMIN. CODE § 116.110 to:

Air Permits Division, MC 163  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit alteration application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e. below, to demonstrate compliance with Ordering Provision No. 3.a.;
- d. Within 360 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e. below, to demonstrate that a permit alteration has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and
- e. The certifications required by Ordering Provision Nos. 3.c. and 3.d. shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing",

and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Monne  
For the Executive Director

8/14/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

Nov. 6/14  
Date

Greg Wilton  
Name (Printed or typed)  
Authorized Representative of  
Motiva Enterprises LLC

General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2014-0837-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Motiva Enterprises LLC</b>
<b>Penalty Amount:</b>	<b>Fifty-Eight Thousand Three Hundred Twenty-Four Dollars (\$58,324)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Nine Thousand One Hundred Sixty-Two Dollars (\$29,162)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>City of Port Arthur</b>
<b>Project Name:</b>	<b><i>Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program</i></b>
<b>Location of SEP:</b>	<b>Jefferson County; Texas Air Quality Control Region 106, Southern Louisiana - Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **City of Port Arthur** for the *Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). The Third-Party Administrator shall perform energy efficiency upgrades on public buildings and infrastructure. Specifically, the SEP Offset Amount will be used for 1) the cost of conducting energy efficiency audits; 2) construction or implementation of energy-efficiency upgrades; 3) purchase of equipment or appliances that are more energy-efficient; and 4) other direct costs authorized in advance by TCEQ. For Items 2, 3, and 4 above, the Third-Party Administrator shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this

contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will reduce fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **City of Port Arthur Energy Efficiency SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Port Arthur  
Attention: John Johnson  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Motiva Enterprises LLC  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

Motiva Enterprises LLC  
Agreed Order - Attachment A

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.